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EXAMINER

VANDERPUYE, KENNETH N

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/627,365

Applicant(s)

ROBERT III ET AL.

Examiner

Kenneth N Vanderpuye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12,13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 3 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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## DETAILED ACTION

### *Claim Objections*

1. Claim 11 is not present in the current application. Appropriate correction is required.

### *Claim Rejections - 35 U.S.C. § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-8, 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 4-8 it is not clear what applicant means by “at least substantial filtering,” or “at least substantial processing”

With regards to claim 15, it is not clear how serial data frames are multiplexed into a data stream. Multiplexing is similar to the conversion of parallel streams of data to a serial stream. It is not clear what applicant means by multiplexing.

4. Claim 17 recites the limitation "said receiving system command" in line 1-2. There is insufficient antecedent basis for this limitation in the claim.

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***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 1-2, 9-10, 12-13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon et al.(56,115,750).

With regards to claim 1, Dillon teaches a method comprising the steps of:  
receiving a stream of entire IP packets(Fig. 15, 150 receives IP packets), encapsulating each of said entire IP packets from said stream within from said stream within data frames with one or more of said entire IP packets with each said frame(Fig. 10, the gateway encapsulates the IP packet with a satellite header and LLC header), modulating said data frames into a radio frequency(inherent feature in the satellite transmitter), uplink transmitting said radio frequency signal to an extra-terrestrial satellite(Fig. 15@175), receiving said radio frequency signal as processed and downlink transmitted from said extra-terrestrial satellite;(Fig. 15@180) demodulating said downlink radio frequency signal into said data frames(fig. 15@ 180 inherent feature in satellite receiver), de-capsulating said data frames to recover said stream of entire IP packets with said data frames(Fig. 15@114A, driver), outputting said recovered stream of IP

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packets to a remote computing device(Fig. 15, IP packets sent to an application server via a slip provider).

Claim 2 is rejected because the driver in Fig. 15, filters the IP packets(col. 6 lines 41-46)

Claims 9-10 are rejected because the IP packets contain an Ip address for routing via the internet.

Claim 12 is rejected because TCP/IP packets are routed over an internet backbone to the application server(fig. 15)

Claim 13 is rejected for the same reasons as claim 2

Claim 15 is rejected for the same reasons as claim 1, because the encapsulated packets are transmitted as a single stream.

***Allowable Subject Matter***

7. Claims 20-21 are allowed.

8. Claims 3, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) -305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.



Kenneth Vanderpuye

April , 17 2002